

PATENT

Docket No. 2866.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Feature Films for Families	)	
Serial No.:	09/920,072	)	
Filed:	August 1, 2001	)	Art Unit:
For:	Voice Transition Script Caller	)	2614
Examiner:	MD S. Elahee	)	

**Petition To The Director Under 37 CFR § 1.181  
For Withdrawal of the Holding of Abandonment**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA, 22313-1450

Dear Sir:

Responsive to the Notice of Abandonment mailed June 2, 2008, Applicant hereby requests that the holding of abandonment be withdrawn. Applicant believes that no fee is required for this petition. Applicant files this Petition within 2 months of receiving the Notice of Abandonment. The reason given for abandonment of this application was that Applicant failed to reply to the Office letter mailed on March 7, 2007. For the reasons and factual assertions set forth below, Applicant respectfully disagrees.

Statement of Facts

1. Applicants' representative received a non-final office action from the USPTO with a

mailing date of March 7, 2007. See printout from Private Pair dated June 6, 2008 (hereinafter the “Pair Printout”) attached hereto as Exhibit A.

2. Applicants’ representative filed a response to the Office Action on June 7, 2007 with a Certificate under 37 CFR §1.8 signed by David Fonda. See a true and correct copy of the response (hereinafter the “June 7<sup>th</sup> Response”) attached hereto as Exhibit B. See the postcard attached as Exhibit C. See also the Statement of Personal Knowledge of David Fonda attached hereto as Exhibit D.
3. Applicants’ representative was unable to locate date stamped postcard.
4. The USPTO received the June 7<sup>th</sup> Response on June 11, 2007. See the date stamp on page 1 of the June 7<sup>th</sup> Response in Exhibit B.
5. The USPTO sent correspondence dated June 21, 2007 in response to Applicant’s June 7<sup>th</sup> Response. See Pair Printout entry on June 21, 2007 in Exhibit A.
6. On July 3, 2007, Applicant timely responded to the USPTO’s correspondence dated June 21, 2007 (a Notice of Non-Compliant Amendment). See a true and correct copy of the response (hereinafter the “July 3<sup>rd</sup> Response”) attached hereto as Exhibit E.
7. The USPTO received the July 3<sup>rd</sup> Response at 4:15 pm on July 3<sup>rd</sup>, 2007. See the Electronic Acknowledgment Receipt attached hereto as Exhibit F.
8. The USPTO mailed the Notice of Abandonment on June 2, 2008. See Exhibit G.
9. Applicant timely filed this Petition.

Remarks

The reason for abandonment was the non-receipt of a response to the March 7, 2007

letter. The certificate of service on Applicant's June 7<sup>th</sup> Response and the Statement of Personal knowledge indicates that a response to the March 7, 2007 letter was sent. The Private Pair printout, the official date stamp on the June 7<sup>th</sup> Response, and the fact that the USPTO responded to Applicant's June 7<sup>th</sup> Response indicates that Applicant did in fact reply to the Office letter mailed March 7, 2007 and that the USPTO received the reply in the form of the June 7<sup>th</sup> Response.

Conclusion

For the reasons and factual assertions stated above, Applicants respectfully request that this Petition be granted, that the above-captioned application be withdrawn from abandonment, and that it be examined in proper time.

DATED this 21<sup>st</sup> day of June, 2008.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David B. Fonda', is written over a horizontal line.

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## Exhibit A



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## Available Documents

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Patent Information	06-02-2008	ABN	Abandonment	PROSECUTION	2	
Patent Guidance and General Info	07-03-2007	A	Amendment / After Non-Final Rejection	PROSECUTION	1	
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	03-02-2007	FWCLM	Examiner's search strategy and results	PROSECUTION	3	
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05-15-2002	PA	Information Disclosure Statement (IDS)	PROSECUTION	2	
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08-01-2001	TRNA	Transmittal of New Application	AS FILED	4	
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08-01-2001	IIFW	Issue Information including classification, examiner, name,	PROSECUTION	1	

		<del>claims, renumbering, etc.</del>			
		<del>Search information excluding</del>			
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## Exhibit B



*If*  
*2614*

PATENT  
Docket No. 3866.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Feature Films for Families )  
Serial No.: 09/920,072 )  
Filed: August 1, 2001 ) Art Unit: 2614  
For: Voice Transition Script Caller )  
Examiner: Md S. Elahee )

AMENDMENT AND RESPONSE

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA, 22313-1450

Dear Sir:

Responsive to the communication from the examiner mailed March 7, 2007, please  
reconsider the above-identified application in view of the following remarks.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Previously presented) A method for customer contacting, the method comprising:
  - providing a system for interaction with a contact, the interaction being selectable between human and computer delivery;
  - executing an interaction protocol to create an interaction with the contact;
  - initiating a call to the contact; and
  - allowing an agent to selectively interleave live responses and recorded scripts, the recorded scripts selected from at least a script menu and an interjection menu.
2. (Original) The method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script.
3. (Original) The method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform.
4. (Original) The method of claim 1, wherein the recorded script is selected from computer-generated wave files, audio recordings, and synthesized voice.
5. (Original) The method of claim 1, wherein the recorded script comprises a voice

waveform created independently from the human agent.

6. (Original) The method of claim 5, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

7. (Cancelled) The method of claim 1, wherein executing an interaction protocol further comprises logging on by an agent.

8. (Original) The method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type.

9. (Original) The method of claim 1, further comprising validating sales information.

10. (Original) The method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system.

11. (Original) The method of claim 1, further comprising updating a customer file.

12. (Original) The method of claim 1, further comprising maintaining a history of recorded scripts played.

13. (Original) The method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system.

14. (Original) The method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact.

15. (Original) The method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact.

16. (Original) The method of claim 15, wherein interleaving further comprises posing a question following presenting content.

17. (Original) The method of claim 1, wherein interleaving further comprises deciding on intervention.

18. (Original) The method of claim 17, wherein deciding on intervention is done by the human agent.

19. (Cancelled) The method of claim 17, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

20. (Original) The method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response.

21. (Original) The method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response.

22. (Cancelled) A method for customer contacting, the method comprising:  
providing an integrated system for interaction with a contact, the interaction being selectable between human and computer delivery;  
initiating a call to a contact;  
selecting content for presentation to the contact;  
presenting content to the contact;  
listening to a response from the contact;  
interleaving responses to the contact from a human agent and a recorded script selected by the agent, the recorded script reflecting a voice waveform created independently from the human agent; and  
closing the interaction with the contact.

23. (Cancelled) The method of claim 22, wherein presenting content to the contact comprises posing a question to the contact, the question having a finite number of answers.

24. (Cancelled) The method of claim 23, wherein a preselected recorded script is associated with each of said finite number of answers.

25. (Cancelled) The method of claim 24, wherein selectively interleaving further comprises presenting the preselected recorded script associated with the finite number of answers.

26. (Cancelled) The method of claim 22, wherein the recorded script is selected from computer-generated wave files, audio recordings, and synthesized voice.

27. (Cancelled) The method of claim 26, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform.

28. (Cancelled) The method of claim 27, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

29. (Cancelled) The method of claim 22, further comprising validating sales information.

30. (Cancelled) The method of claim 29, wherein validating sales information is done by one of a human agent and a computer dialing system.

31. (Cancelled) The method of claim 22, further comprising updating a customer file.

32. (Cancelled) The method of claim 22, further comprising maintaining a history of recorded scripts played.

33. (Cancelled) The method of claim 22, wherein initiating a call is executed by one of a human agent and a computer dialing system.

34. (Cancelled) The method of claim 22, wherein interleaving further comprises deciding on intervention.

35. (Cancelled) The method of claim 34, wherein deciding on intervention is done by a human agent.

36. (Cancelled) The method of claim 35, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

37. (Cancelled) The method of claim 36, wherein deciding on intervention further comprises determining to provide a live-voice response.



38. (Cancelled) The method of claim 36, wherein deciding on intervention further comprises determining to provide a recorded response.

39. (Withdrawn) A system for customer contacting, the system comprising:  
a script module configured to provide recorded voice waveforms to a contact; and  
an integration module configured to interface between an agent and the script module, the integrating module being configured to allow selective interjections by the agent.

40. (Withdrawn) The system of claim 39, wherein the script module comprises a script player.

41. (Withdrawn) The system of claim 39, wherein the recorded waveforms are selectively provided by a human agent.

42. (Withdrawn) The system of claim 39, wherein the recorded waveforms are provided by a computer.

43. (Withdrawn) The system of claim 39, wherein the recorded waveforms are selected from computer generated wave files, audio recordings, synthesized voice, and actual voice.

44. (Withdrawn) The system of claim 39, wherein the integration module further comprises an administration module for logging in a user.

45. (Withdrawn) The system of claim 44, wherein the administration module is further configured to provide password protection for the system.

46. (Withdrawn) The system of claim 44, wherein the administration module is further configured to store system preferences.

47. (Withdrawn) The system of claim 39, wherein the integration module further comprises a telephone interface module to facilitate interaction between the system and a telephone system.

48. (Withdrawn) The system of claim 47, wherein the telephone interface module allows a human agent to initiate a call to a contact.

49. (Withdrawn) The system of claim 47, wherein the telephone interface module allows a computer dialer to initiate a call to a contact.

50. (Withdrawn) The system of claim 39, wherein the integration module further comprises mode module for selecting between one of live voice interaction, script interaction,

and interjection interaction with a contact.

51. (Withdrawn) The system of claim 39, wherein the integration module is further configured to select and present content to a contact.

52. (Withdrawn) The system of claim 39, wherein the integration module is further configured to pose a question to a contact.

53. (Withdrawn) The system of claim 39, wherein the interjections are live voice.

54. (Withdrawn) The system of claim 39, wherein the interjections are a recorded voice waveform.

55. (Withdrawn) The system of claim 39, wherein the integration module further comprises a database module for storing and retrieving data.

56. (Withdrawn) The system of claim 55, wherein the database module is configured to update a contact file.

57. (Withdrawn) The system of claim 55, wherein the database module is configured to keep a contact profile.

58. (Withdrawn) The system of claim 55, wherein the database module is configured to keep a history of scripts played by the system.

59. (Withdrawn) The system of claim 39, wherein the integration module further comprises a commercial transaction module for validating contact sales information.

60. (Withdrawn) The system of claim 39, wherein the integration module further comprises a voice transition module for presenting and negotiating between scripted responses selectively played to a contact.

61. (Withdrawn) A system for customer contacting, the system comprising:  
an output device for providing audio outputs from an agent;  
an input device for receiving audio inputs from a contact;  
a player for outputting scripted voice waveforms over a phone line to a contact; and  
a signal processor configured to provide a normalized signal selected from the output device and the player.

62. (Withdrawn) The system of claim 61, wherein the signal processor is further configured to substantially match the signal-to-noise ratio of an output thereof, independent from the input thereto.

63. (Withdrawn) The system of claim 61, wherein the player is configured to provide an input to the signal processor effective to render an output therefrom having a signal-to-noise ratio substantially the same as the signal-to-noise ratio of the output device.

64. (Withdrawn) The system of claim 61, wherein the signal processor is configured to normalize a first voice waveform received from the output device and a second voice waveform received from the player.

65. (Withdrawn) The system of claim 61, wherein the normalized signal leaving the signal processor has a bandwidth greater than the bandwidth of the phone line.

66. (Withdrawn) The system of claim 65, wherein the memory device stores a script module, executable on the processor to provide an output having a bandwidth greater than the response bandwidth of a telephone network.

67. (Withdrawn) The system of claim 61, wherein the voice waveforms are recorded at a sampling rate of at least about 20,000.

68. (Withdrawn) The system of claim 67, wherein the voice waveforms are recorded at a sampling rate of at least about 44,000.

69. (Withdrawn) The system of claim 61, wherein the player further comprises a computer having a processor and a memory device.

70. (Withdrawn) The system of claim 61, further comprising a script module configured to provide recorded voice waveforms to a contact.

71. (Withdrawn) The system of claim 61, further comprising an integration module configured to interface between an agent and the script module.

72. (Withdrawn) A system for customer contacting, the system comprising:

an output device for providing audio outputs from an agent;

an input device for receiving audio inputs from a contact;

a player for outputting scripted voice waveforms over a phone line to a contact, the player being configured to provide an input to the signal processor effective to render an output therefrom having a signal-to-noise ratio substantially the same as the signal-to-noise ratio of the output device; and

a signal processor configured to provide a normalized signal selected from the output device and the player, wherein the signal processor is further configured to substantially match the signal-to-noise ratio of an output thereof, independent from the input thereto, and wherein the signal processor is configured to normalize a first voice waveform received from the output

device and a second voice waveform received from the player.

73. (Withdrawn) The system of claim 72, wherein the signal leaving the signal processor has a bandwidth greater than the bandwidth of the phone line.

74. (Withdrawn) The system of claim 73, further comprising a script module configured to provide recorded voice waveforms to a contact.

75. (Withdrawn) The system of claim 74, further comprising an integration module configured to interface between an agent and the script module.

76. (Currently amended) A computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

providing an integrated system for hybridized interaction with a contact, the interaction being selectable between human and computer delivery;

initiating a call to a contact;

executing an interaction protocol to create an interaction with the contact; and

allowing a human agent to interleaving responses to the contact, said responses being selected from the group consisting of selected from a human agent, and a recorded voice waveform selected by the agent, the recorded voice waveform selected from at least a scripted

response selected by the agent, and ~~an~~recorded interjection selected by the agent.

77. (Original) The computer readable medium of claim 76, wherein the initiating step is executed by one of a human agent and a computer dialing system.

78. (Original) The computer readable medium of claim 76, wherein the executing step is done by one of a human agent and a computer script.

79. (Original) The computer readable medium of claim 76, wherein the recorded script further comprises recorded data effective to control a computer for generating a human-sounding voice waveform.

80. (Currently amended) The computer readable medium of claim 76, wherein the recorded scripted response is selected from computer-generated wave files, audio recordings, and synthesized voice.

81. (Original) The computer readable medium of claim 76, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

82. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises logging on by an agent.



83. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises selecting a contact type.

84. (Previously presented) The computer readable medium of claim 76, wherein interleaving responses to the contact comprises posing a question to the contact, the question having a finite number of answers.

85. (Original) The computer readable medium of claim 84, wherein a preselected recorded script is associated with each of said finite number of answers.

86. (Original) The computer readable medium of claim 85, wherein selectively interleaving further comprises presenting the preselected recorded script associated with said finite number of answers.

87. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises validating sales information.

88. (Original) The computer readable medium of claim 87, wherein validating sales information is done by one of a human agent and a computer dialing system.

89. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises updating a customer file.

90. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises maintaining a history of recorded scripts played.

91. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises deciding on intervention.

92. (Original) The computer readable medium of claim 91, wherein deciding on intervention is done by the human agent.

93. (Original) The computer readable medium of claim 92, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

94. (Cancelled) The computer readable medium of claim 93, wherein deciding on intervention further comprises determining to provide a live-voice response.

95. (Cancelled) The computer readable medium of claim 93, wherein deciding on intervention further comprises determining to provide a recorded response.

96. (Currently amended) A method for customer contacting, the method comprising:  
providing a system for interaction with a contact, the interaction being selectable between  
human and computer delivery;  
initiating a call to a contact; and  
allowing a human agent to selectively interleaving responses to the contact from a  
human agent and one or more predetermined answers selected by the agent from a script tree.

97. (Previously presented) The method of claim 96, wherein interleaving responses to the  
contact comprises posing a question to the contact, the question having a finite number of  
answers.

98. (Previously presented) The method of claim 97, wherein a preselected recorded script  
is associated with each of said finite number of answers.

99. (Previously presented) The method of claim 98, wherein selectively interleaving  
further comprises presenting the preselected recorded script associated with the finite number of  
answers.

100. (Previously presented) The method of claim 96, wherein the predetermined answers  
are selected from computer-generated wave files, audio recordings, and synthesized voice.

101. (Previously presented) The method of claim 100, wherein at least one audio recording comprises a voice response recorded by a voice actor.

102. (Previously presented) The method of claim 96, further comprising validating sales information.

103. (Previously presented) The method of claim 96, further comprising updating a customer file.

104. (Previously presented) The method of claim 96, further comprising maintaining a history of recorded scripts played.

105. (Previously presented) The method of claim 96, wherein interleaving further comprises deciding on intervention.

106. (Previously presented) The method of claim 105, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

107. (Previously presented) A computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

providing an integrated system for hybridized interaction with a contact, the interaction being selectable between human and computer delivery;

initiating a call to a contact;

executing an interaction protocol to create an interaction with the contact; and

allowing a human agent to interleaving responses to the contact from a human agent and predetermined answers selected by the agent from a script tree.

108. (Previously presented) The computer readable medium of claim 107, wherein the predetermined answers further comprise recorded data effective to control a computer for generating a human-sounding voice waveform.

109. (Previously presented) The computer readable medium of claim 107, wherein the predetermined answers are selected from computer-generated wave files, audio recordings, and synthesized voice.

110. (Previously presented) The computer readable medium of claim 107, wherein at least one predetermined answer comprises a voice response recorded by a voice actor.

111. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises selecting a contact type.

112. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises validating sales information.

113. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises updating a customer file.

114. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises maintaining a history of recorded scripts played.

115. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises deciding on intervention.

116. (Previously presented) The computer readable medium of claim 115, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

### REMARKS

The Office Action mailed March 7, 2007 has been received and reviewed. Claims 1-116 are in the case. Of these claims, claims 39-75 have been withdrawn by prior election. Claims 7, 19, 22-38, 94 and 95 were previously cancelled. Claims 76, 80, 96, and 107 are currently amended. Claims 76-80, 83-93, 96-100, 102-109, and 111-116 stand rejected under 35 U.S.C. §102(b) as being anticipated by Szlam (US 5,511,112). Claims 1-4, 8-18, 20, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Szlam in view of Nakatsu et al. (US 5,787,151). Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Szlam in view of Nakatsu et al. and further in view of Rogers et al. (5,946,386). Claims 6 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Szlam in view of Nakatsu et al., in view of Rogers and further in view of Miner et al. (5,652,789).

For the reasons set forth below, claims 1-6, 8-18, 20, 21, 76-93 and 96-116 are believed to be in condition for allowance. Applicant respectfully requests favorable reconsideration of the application in view of the following remarks.

#### Rejection of Claims Under 35 U.S.C. §102(a)

Claims 76-80, 83-93, 96-100, 102-109, and 111-116 stand rejected under 35 U.S.C. §102(a) as being anticipated by Szlam. For a prior art reference to anticipate, every element of the claimed invention must be identically disclosed in a single prior art reference; and those elements must be arranged or connected together in a single reference in the same way as specified in the patent claim.

Referring to claim 76, the Szlam patent does not disclose interleaving of a variety of

responses. To interleave is to alternate back and forth. In Szlam, the system controller 11 determines whether an agent is available to handle a call. If an agent is available, the agent speaks for a while. In some embodiments, the system can play prerecorded wrap-up messages. The Szlam patent does not teach that the system can repeatedly alternate back and forth between a live voice, a scripted response and/or an interjection. The system just transfers from the live agent to one type of recording. Thus, the Szlam system does not allow for interleaving.

The Szlam patent clearly does not allow the agent to interleave the responses. In the Szlam patent, it is the system controller 11 that decides what to play and when to allow the agent to speak. See Col. 8, lines 63-67; Col. 9, lines 9-18; Col. 9, lines 59-61; Col. 19, lines 50-58; and Col. 19, lines 60-62. Szlam specifically teaches that the system controller 11, not the agent, is responsible for playing recorded content. In Column 23, lines 15-22 it states, “[i]n addition, closing or “wrap-up” statements, which typically require little or no response from the connected party, are prerecorded so that *these may be done by the system and not by the agent.*” To allow the agent to do the interleaving would defeat the purpose of Szlam by making the agent less efficient. In order for the agent to selectively interleave content, the agent would have to monitor the call which is clearly not taught by Szlam. To the contrary, “the agent has been relieved of the duty of conducting the non-productive wrap-up messages and may therefore be connected to another call while the wrap-up messages are being played.” See Col. 10, lines 2-5. Thus, when recorded scripts are played in Szlam, the agent is not available to do any interleaving.

Furthermore, the Szlam patent does not teach interleaving recorded scripted responses with recorded interjections. Figures 5 and 6, and the detailed description related thereto,



highlight how “the agent determines to play scripted questions 190” and how “the agent may interject with an interjection statement 192 such as “yes,” “no,” “uh huh,” laughter, and the like.” See page 18, lines 17-18 and page 19, lines 6-7. These are scripts that do not provide or solicit information, but allow an agent to respond to unexpected turns in the dialogue. In contrast, the Szlam patent does not teach interjection scripts or any category of scripts. In Szlam, when the system controller 11 determines that the contact's response is not expected, the system controller to release the trunk. There is no attempt to interleave an interjection. Thus, Claim 76 is not anticipated by Szlam.

Independent claims 96 and 107 are also not anticipated by Szlam. Claims 96 and 107 teach interleaving by a human agent, which as discussed above, is not taught by Szlam. Furthermore, claims 96 and 107 teach the selection of predetermined answers by the agent from a script tree. Nowhere in Szlam is a script tree mentioned from which the agent makes selections. Thus, independent claims 76, 96, and 107 are not anticipated by Szlam.

With respect to claims 77-80, 83-93, 97-100, 102-106, 108, 109, and 111-116, claims that are dependant on an allowable base claim cannot be properly rejected under 35 U.S.C. §102(b). As presented hereinabove, Applicant asserts that claims 76-80, 83-93, 96-100, 102-109, and 111-116 not anticipated by the prior art of record. Reconsideration of these claims is therefore respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. §103(a)**

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the

knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (See MPEP §2142).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. References must expressly or impliedly suggest that claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Id.*

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

Applicant respectfully submits that under these required tenets, and in view of the following arguments, Examiner has not established a prima facie case for obviousness.

**Background of the Cited References and Claimed Invention**

Szlam teaches a system and method for improving efficiency of an agent by eliminating agent-wait times. *See* Szlam Col. 1, lines 11-15. The computer controls when to give a call to an agent. Szlam does not teach the discretionary play of scripts outside the sales presentation information. Szlam does not teach a method of computer interaction with a customer wherein the goal is to make the customer think he or she is interacting with a human.

The purpose of Nakatsu does not even relate to the presentation of sales information. Nakatsu creates and delivers electronic greeting cards. Nakatsu does not teach the flexibility of script presentation or the ability to go “off script” with prerecorded conversational interjections. Nakatsu simply solicits greeting card information from a customer with the customer knowing full well that it is interacting with a computer.

Rogers teaches the use of a call management system which transfers call control to a user workstation, thereby providing improved capabilities for the use without the limitations of telephone systems. Rogers allows for specific call handling options when a VIP call is detected. VIP Rules are defined in Rogers as specific rules “created to specify special handling for important callers, sets of callers or even for all callers. These VIP rules precede and augment direct user controls . . . .” Rogers teaches call handling protocols. Rogers does not teach a way to present sales presentations.

Miner teaches electronic assistants to handle certain aspects of calls and then transfer the call to the intended live recipient. The electronic assistant in Miner does not attempt to appear as a live agent. In Miner, the electronic assistant announces to the caller, “I’m the electronic assistant for John Smith.” Miner does not teach nor suggest a novel way to present a sales presentation using conversational scripts.

There are prior art patents that suggest ways to present prerecorded information. The problem that Applicant's invention overcomes is the mechanical presentation of prerecorded information that tips off a customer to suspect that they are interacting with a computer playing a prerecorded presentation, instead of interacting with a live person. This is a significant problem for telemarketers that has not been addressed by the prior art. There has been a long-felt need for telemarketers using computers to accomplish mass calling, to overcome the problem of losing sales due to hangups when customers realize that they are interacting with a computer. The prior art has never before had to address the level of sophistication and suspension of today's customers when it comes to telemarketing. The prior art does not teach the use of prerecorded conversational approaches to presenting information. The prior art does not teach using prerecorded scripts to mimic how people *actually* talk. The prior art may teach presenting preapproved information in prerecorded form, but it does not teach the *prerecorded* adlibbing and prerecorded conversational interjecting that Applicant teaches. The prior art teaching prerecorded presentations of information, is mechanical and structured in such a way that it is quickly obvious to a customer that the information is not "live." Applicant overcomes this long-felt problem.

Prerecorded sales presentations in today's world must be conversational and fluid with interruptions and quick affirmations and comments or remarks that have nothing to do with the information being presented. Each call is unique and the agent must have the ability to react to the call with prerecorded interjection type scripts that are not part of the sales presentation information. Agents must be allowed to intervene on the fly with conversational recordings that are "off scripts" or in other words that are not part of the

sales presentation information. Customers are at a level of sophistication regarding telemarketers that they've never been at before. It is not enough to present sales information in a dialogue form where each prerecorded script drives the conversation a desired direction to efficiently present information. The dialogue must be human sounding. When prerecorded script presentations are mechanical the call and the customer are lost. Applicant solves the problem in a novel way by allowing the telemarketer to appear to give *real-time, adlib, non-informational responses without going live*. Applicant provides an interjection menu that does not relate to the information script menu. Applicant allows the telemarketer to play things such as "uh huh," "yeah," "I'm sorry, what?" "<throat clear sound>," "<laughter track>" etc. etc. This allows an agent to be conversational *and* prerecorded. This has not been done before.

In a live conversation between two people, there is a flow to the conversation; there are anticipated responses and counter-responses. There are also times that merit an interjected response that is simply an interjection that has nothing to do with the point of the conversation. For example, in a live conversation, one party might say something that triggers a topical joke. In a live conversation between two humans, the reply to the joke has nothing to do with the point of the conversation, however, regular humans will not remain silent; they will respond with a courtesy laugh or some other response.

Script players that only play scripts to provide information, or that solicit some information or response, or that simply serve to drive the dialogue to a certain conclusion, cannot provide the conversational dialogue necessary to have the contact believe it is conversing with a live human and not with a recorded voice played by a computer

program.

A sample conversation without the present invention may go as follows:

Telemarketer: "Hello Bob, how are you doing today?"	Script 1
Contact: "Fine thanks, how are you?"	Response 1
Telemarketer: "Great. The reason I'm calling is that you expressed interest in films having family content. Is that correct?"	Script 2
Contact: "Yes. I really believe that there is a lack of good family films these days. Some many of the films are rated R and even the PG-13 films contain a lot of violence don't you think? I mean it's hard to know what films I can take my 10-year old to."	Response 2
Telemarketer: "How many kids do you have?"	Script 3
Contact: "Three crazy monkeys."	Response 3
Telemarketer: Well we have two films especially suited for children, would you be interest in hearing about our program?	Script 4
Contact: <sneezes>	Response 4
Contact: Well first I'd <the rest of the contact's sentence is inaudible	Response 5
Telemarketer:	At this point, the telemarketer either repeats Script 4 or switches to live voice mode.

There are certain points in this dialogue where if the telemarketer simply plays the next prerecorded script that is merely intended to present information, solicit information, or drive the dialogue forward in a particular direction, then the appearance of a live conversation between two live humans is lost and more than likely, the sale would be lost as well.

For example, during the Contact's "Response 2", there is the quick question "don't you think?" The question is probably rhetorical, but in a live conversation between two humans, you would interject with a quick "yeah" or "uh-huh." These types of interjections simulate real human conversation. Without interjections of these types, the conversation is mechanical and the Contact will become suspicious. The end of "Response 2" is not a question, but also merits a response. In a live conversation, a person would recognize that the Contact is seeking affirmation. In live conversation a human would counter-respond with something like, "I know what you mean." Without this interjection that is not content-related, the transition between Response 2 and Script 3 would be awkward.

The Contact's Response 3 is clearly an attempt at humor. In a live conversation between two humans, you would not simply ignore that attempt and deliver Script 4. A live human would interject with a courtesy laugh. The Contact would expect a counter-response to Response 3 that has nothing to do with the point of the conversation. Playing Script 4 at that point would make the Contact feel ignored or even worse, foolish. If the Telemarketer did not somehow acknowledge the Contact's attempt at humor in "Response 3", the Contact would become suspicious.

Response 4 would also merit an interjection in a live conversation between two

humans such as “God bless you,” “Gut Zundheit.” This type of non-informational interjection is key to making the conversation real.

If the telemarketer had to replay a script verbatim it would also be a clear giveaway that the Contact was speaking with a recorded voice and not speaking with a live person. In normal conversation, people do not repeat things verbatim. If the telemarketer had to go into live mode, the telemarketer runs the risks of not sounding like the prerecorded script, or not having the same energy as that portrayed on the recorded script. The telemarketer also has to interact with the device or software more which could increase the chance of making a mistake that would lose the call.

With Applicant’s device and method, this conversation more closely approximates a real conversation between two humans without the Telemarketer needing to go into live mode. For example:

Telemarketer: “Hello Bob, how are you doing today?”	Information Script 1
Contact: “Fine thanks, how are you?”	Response 1
Telemarketer: “Great. The reason I’m calling is that you expressed interest in films having family content. Is that correct?”	Information Script 2
Contact: “Yes. I really believe that there is a lack of good family films these days. Some many of the films are rated R and even the PG-13 films contain a lot of violence don't you think? I mean it's hard to know what films I can take my 10-year old to.”	Response 2  Telemarketer plays <i>Interjection Script 1</i> “yeah”
Telemarketer: “I know what you mean”	<i>Interjection Script 2</i>
Telemarketer: “How many kids do you have?”	Information Script 3



Contact: "Three crazy monkeys."	Response 3
Telemarketer: "laughs"	<i>Interjection Script 3</i>
Telemarketer: Well we have two films especially suited for children, would you be interest in hearing about our program?	Information Script 4
Contact: <sneezes>	Response 4
Telemarketer: :God Bless you."	<i>Interjection Script 4</i>
Contact: Well first I'd <the rest of the contact's sentence is inaudible	Response 5
Telemarketer: I'm sorry, what did you say?	<i>Interjection Script 5</i>

The ability to play interjection scripts allows the Telemarketer to be conversational without having to go into live voice mode unnecessarily. The ability to interleave recorded scripts from a script menu and an interjection menu and even a live voice, is not taught by the combination of references cited by the Examiner.

Claims 1-4, 8-18, 20, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Szlam in view of Nakatsu. The combination of these claims does not teach nor suggest each and every limitation of Applicant's independent claim 1. The Examiner states that Szlam teaches the interleaving of responses selected by a computer. See office action p. 3. Thus Szlam teaches away from Applicant's invention. Applicant has an agent monitoring a call so that if conversational interjection scripts need to be played in response to, or over the top of, a contact's statement, the agent can interleave the interjection into the presentation. In Szlam, because the

system controller is determining content, if the content is unexpected, the Szlam system controller goes off line. See Col. 19, line 63 to Col. 20, line 2. Nakatsu also does not suggest the interleaving of interjections into a script presentation. Nakatsu does not teach using an agent to present scripts at all.

Furthermore, Applicant submits that there is no suggestion or motivation to combine the Szlam and Nakatsu references, as is required by MPEP § 2143.01. The Federal Circuit Court stated in *In re Denis Rouffet, Yannick Tanguy and Frederic Berthault*, 149 F.3d 1350 (Fed. Cir. 1998) that when determining the patentability of a claimed invention which combines two known elements, the question is whether there is something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Id.* The Court reiterated its prior statements that,

"virtually all [inventions] are combinations of old elements." *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 698, 218 U.S.P.Q. (BNA) 865, 870 (Fed. Cir. 1983); see also *Richdel, Inc. v. Sunspool Corp.*, 714 F.2d 1573, 1579-80, 219 U.S.P.Q. (BNA) 8, 12 (Fed. Cir. 1983). Therefore an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be "an illogical and inappropriate process by which to determine patentability." *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570, 38 U.S.P.Q.2D (BNA) 1551, 1554 (Fed. Cir. 1996).

To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the examiner to show a motivation to combine the references that create the case of

obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.

There are no reasons or suggestions to combine the prior art references in the manner claimed by Applicant.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Szlam is about computer control. Everything is controlled by the system controller 11. Nakatsu is about creating greeting cards. There is no agent involved. There is no suggestion to combine Nakatsu and Szlam and the Examiner has not alluded to any.

Additionally, both Szlam and Nakatsu solicit key pad responses or entries by the party or customer. See Szlam Col. 20, line 53-59. See Nakatsu Col. 9, line 42 to Col. 10 line 16; and Col. 10, lines 52-65. There is no attempt to create the appearance of a live conversation with a human while in reality the computer is playing recorded scripts. The purpose of Applicant's claimed invention is to mask the fact that a computer is involved at all. The cited art makes no attempt to conceal this fact. Thus, it would not be obvious to anyone skilled in the art to use Szlam or Nakatsu to accomplish the claimed invention of Applicant. Accordingly, Applicant submits that is not obvious to combine the Szlam and Nakatsu references in rejection of Applicant's claim 1.

With respect to claims depending from claim 1, claims that are dependant on an allowable base claim are generally allowable. As presented hereinabove, Applicant asserts that

claim 1 is not rendered obvious by the prior art of record, specifically Szlam in view of Nakatsu.

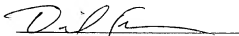
Thus, the pending claims are allowable for at least the reason that they are dependant on an allowable base claim.

**Conclusion**

Applicant respectfully submits that its claims are not anticipated nor rendered obvious by the cited art. In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 7<sup>th</sup> day of June, 2007.

Respectfully submitted,



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Attorney for Applicant

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7<sup>th</sup> day of June, 2007.

David Fonda  
Name

[Signature]  
Signature

## Exhibit C

ATTN: VOICE TELEPHONY CALLER  
ACT UNIT: 2614

OBJECT NO: 3866.21

MAILED ON JUNE 7, 2007.

SERIAL NO. 09/920,072

APPLICANT FEMALE FUNDS FOR

FAMILY

FILING DATE: AUGUST, 2001

- 1) OFFICE MEMO RESPONSE w/  
CERTIFICATION OF ACTION.
- 2) POST CARD (35 PAGES)

## Exhibit D

PATENT


Docket No. 2866.2.1

Applicant:	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Feature Films for Families	)
Serial No.:	09/920,072	)
Filed:	August 1, 2001	) Art Unit: 2614
For:	Voice Transition Script Caller	)
Examiner:	MD S. Elahee	)

Statement of Personal Knowledge of David Fonda

I, David Fonda, on this 20<sup>th</sup> day of 2008, hereby declare of my own personal knowledge, that I prepared an Amendment and Response to an office action dated March 7, 2007 and that I placed the Amendment and Response, in an envelope addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and also that I placed a self-addressed stamped postcard detailing the contents of the envelope inside the envelope, and that on June 7, 2007 I deposited the Amendment and Response and postcard with the United States Postal Service with sufficient postage as first class mail.

I make these statements under penalty of perjury.

 6/20/2008  
\_\_\_\_\_  
David Fonda  
Reg. No. 39,672  
Attorney of Record for the Applicant



## Exhibit E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Feature Films for Families	)	
		)	
Serial No.:	09/920,072	)	
		)	Art Unit:
Filed:	August 1, 2001	)	2614
		)	
For:	Voice Transition Script Caller	)	
		)	
Examiner:	Md S. Elahee	)	

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA, 22313-1450

Dear Sir:

Responsive to the communication from the Legal Instruments Examiner mailed June 21, 2007, please find enclosed a claim set to replace the claim set submitted on June 7, 2007 that shows the proper claim identifier for claim 107.

IN THE CLAIMS:

Please amend the claims as follows:

1. (Previously presented) A method for customer contacting, the method comprising:
  - providing a system for interaction with a contact, the interaction being selectable between human and computer delivery;
  - executing an interaction protocol to create an interaction with the contact;
  - initiating a call to the contact; and
  - allowing an agent to selectively interleave live responses and recorded scripts, the recorded scripts selected from at least a script menu and an interjection menu.
2. (Original) The method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script.
3. (Original) The method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform.
4. (Original) The method of claim 1, wherein the recorded script is selected from computer-generated wave files, audio recordings, and synthesized voice.
5. (Original) The method of claim 1, wherein the recorded script comprises a voice

waveform created independently from the human agent.

6. (Original) The method of claim 5, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

7. (Cancelled) The method of claim 1, wherein executing an interaction protocol further comprises logging on by an agent.

8. (Original) The method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type.

9. (Original) The method of claim 1, further comprising validating sales information.

10. (Original) The method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system.

11. (Original) The method of claim 1, further comprising updating a customer file.

12. (Original) The method of claim 1, further comprising maintaining a history of recorded scripts played.

13. (Original) The method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system.

14. (Original) The method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact.

15. (Original) The method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact.

16. (Original) The method of claim 15, wherein interleaving further comprises posing a question following presenting content.

17. (Original) The method of claim 1, wherein interleaving further comprises deciding on intervention.

18. (Original) The method of claim 17, wherein deciding on intervention is done by the human agent.

19. (Cancelled) The method of claim 17, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

20. (Original) The method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response.

21. (Original) The method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response.

22. (Cancelled) A method for customer contacting, the method comprising:  
providing an integrated system for interaction with a contact, the interaction being selectable between human and computer delivery;  
initiating a call to a contact;  
selecting content for presentation to the contact;  
presenting content to the contact;  
listening to a response from the contact;  
interleaving responses to the contact from a human agent and a recorded script selected by the agent, the recorded script reflecting a voice waveform created independently from the human agent; and  
closing the interaction with the contact.

23. (Cancelled) The method of claim 22, wherein presenting content to the contact comprises posing a question to the contact, the question having a finite number of answers.

24. (Cancelled) The method of claim 23, wherein a preselected recorded script is associated with each of said finite number of answers.

25. (Cancelled) The method of claim 24, wherein selectively interleaving further comprises presenting the preselected recorded script associated with the finite number of answers.

26. (Cancelled) The method of claim 22, wherein the recorded script is selected from computer-generated wave files, audio recordings, and synthesized voice.

27. (Cancelled) The method of claim 26, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform.

28. (Cancelled) The method of claim 27, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

29. (Cancelled) The method of claim 22, further comprising validating sales information.

30. (Cancelled) The method of claim 29, wherein validating sales information is done by one of a human agent and a computer dialing system.

31. (Cancelled) The method of claim 22, further comprising updating a customer file.

32. (Cancelled) The method of claim 22, further comprising maintaining a history of recorded scripts played.

33. (Cancelled) The method of claim 22, wherein initiating a call is executed by one of a human agent and a computer dialing system.

34. (Cancelled) The method of claim 22, wherein interleaving further comprises deciding on intervention.

35. (Cancelled) The method of claim 34, wherein deciding on intervention is done by a human agent.

36. (Cancelled) The method of claim 35, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

37. (Cancelled) The method of claim 36, wherein deciding on intervention further comprises determining to provide a live-voice response.



38. (Cancelled) The method of claim 36, wherein deciding on intervention further comprises determining to provide a recorded response.

39. (Withdrawn) A system for customer contacting, the system comprising:  
a script module configured to provide recorded voice waveforms to a contact; and  
an integration module configured to interface between an agent and the script module, the integrating module being configured to allow selective interjections by the agent.

40. (Withdrawn) The system of claim 39, wherein the script module comprises a script player.

41. (Withdrawn) The system of claim 39, wherein the recorded waveforms are selectively provided by a human agent.

42. (Withdrawn) The system of claim 39, wherein the recorded waveforms are provided by a computer.

43. (Withdrawn) The system of claim 39, wherein the recorded waveforms are selected from computer generated wave files, audio recordings, synthesized voice, and actual voice.

44. (Withdrawn) The system of claim 39, wherein the integration module further comprises an administration module for logging in a user.

45. (Withdrawn) The system of claim 44, wherein the administration module is further configured to provide password protection for the system.

46. (Withdrawn) The system of claim 44, wherein the administration module is further configured to store system preferences.

47. (Withdrawn) The system of claim 39, wherein the integration module further comprises a telephone interface module to facilitate interaction between the system and a telephone system.

48. (Withdrawn) The system of claim 47, wherein the telephone interface module allows a human agent to initiate a call to a contact.

49. (Withdrawn) The system of claim 47, wherein the telephone interface module allows a computer dialer to initiate a call to a contact.

50. (Withdrawn) The system of claim 39, wherein the integration module further comprises mode module for selecting between one of live voice interaction, script interaction,

and interjection interaction with a contact.

51. (Withdrawn) The system of claim 39, wherein the integration module is further configured to select and present content to a contact.

52. (Withdrawn) The system of claim 39, wherein the integration module is further configured to pose a question to a contact.

53. (Withdrawn) The system of claim 39, wherein the interjections are live voice.

54. (Withdrawn) The system of claim 39, wherein the interjections are a recorded voice waveform.

55. (Withdrawn) The system of claim 39, wherein the integration module further comprises a database module for storing and retrieving data.

56. (Withdrawn) The system of claim 55, wherein the database module is configured to update a contact file.

57. (Withdrawn) The system of claim 55, wherein the database module is configured to keep a contact profile.

58. (Withdrawn) The system of claim 55, wherein the database module is configured to keep a history of scripts played by the system.

59. (Withdrawn) The system of claim 39, wherein the integration module further comprises a commercial transaction module for validating contact sales information.

60. (Withdrawn) The system of claim 39, wherein the integration module further comprises a voice transition module for presenting and negotiating between scripted responses selectively played to a contact.

61. (Withdrawn) A system for customer contacting, the system comprising:  
an output device for providing audio outputs from an agent;  
an input device for receiving audio inputs from a contact;  
a player for outputting scripted voice waveforms over a phone line to a contact; and  
a signal processor configured to provide a normalized signal selected from the output device and the player.

62. (Withdrawn) The system of claim 61, wherein the signal processor is further configured to substantially match the signal-to-noise ratio of an output thereof, independent from the input thereto.

63. (Withdrawn) The system of claim 61, wherein the player is configured to provide an input to the signal processor effective to render an output therefrom having a signal-to-noise ratio substantially the same as the signal-to-noise ratio of the output device.

64. (Withdrawn) The system of claim 61, wherein the signal processor is configured to normalize a first voice waveform received from the output device and a second voice waveform received from the player.

65. (Withdrawn) The system of claim 61, wherein the normalized signal leaving the signal processor has a bandwidth greater than the bandwidth of the phone line.

66. (Withdrawn) The system of claim 65, wherein the memory device stores a script module, executable on the processor to provide an output having a bandwidth greater than the response bandwidth of a telephone network.

67. (Withdrawn) The system of claim 61, wherein the voice waveforms are recorded at a sampling rate of at least about 20,000.

68. (Withdrawn) The system of claim 67, wherein the voice waveforms are recorded at a sampling rate of at least about 44,000.

69. (Withdrawn) The system of claim 61, wherein the player further comprises a computer having a processor and a memory device.

70. (Withdrawn) The system of claim 61, further comprising a script module configured to provide recorded voice waveforms to a contact.

71. (Withdrawn) The system of claim 61, further comprising an integration module configured to interface between an agent and the script module.

72. (Withdrawn) A system for customer contacting, the system comprising:

an output device for providing audio outputs from an agent;

an input device for receiving audio inputs from a contact;

a player for outputting scripted voice waveforms over a phone line to a contact, the player being configured to provide an input to the signal processor effective to render an output therefrom having a signal-to-noise ratio substantially the same as the signal-to-noise ratio of the output device; and

a signal processor configured to provide a normalized signal selected from the output device and the player, wherein the signal processor is further configured to substantially match the signal-to-noise ratio of an output thereof, independent from the input thereto, and wherein the signal processor is configured to normalize a first voice waveform received from the output

device and a second voice waveform received from the player.

73. (Withdrawn) The system of claim 72, wherein the signal leaving the signal processor has a bandwidth greater than the bandwidth of the phone line.

74. (Withdrawn) The system of claim 73, further comprising a script module configured to provide recorded voice waveforms to a contact.

75. (Withdrawn) The system of claim 74, further comprising an integration module configured to interface between an agent and the script module.

76. (Currently amended) A computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

providing an integrated system for hybridized interaction with a contact, the interaction being selectable between human and computer delivery;

initiating a call to a contact;

executing an interaction protocol to create an interaction with the contact; and

allowing a human agent to interleave responses to the contact, said responses being selected from the group consisting of selected from a human agent, and a recorded voice waveform selected by the agent, the recorded voice waveform selected from at least a scripted

response selected by the agent, and an ~~an~~recorded interjection selected by the agent.

77. (Original) The computer readable medium of claim 76, wherein the initiating step is executed by one of a human agent and a computer dialing system.

78. (Original) The computer readable medium of claim 76, wherein the executing step is done by one of a human agent and a computer script.

79. (Original) The computer readable medium of claim 76, wherein the recorded script further comprises recorded data effective to control a computer for generating a human-sounding voice waveform.

80. (Currently amended) The computer readable medium of claim 76, wherein the recorded script ed response is selected from computer-generated wave files, audio recordings, and synthesized voice.

81. (Original) The computer readable medium of claim 76, wherein the voice waveform further comprises an audio track of a voice response recorded by a voice actor.

82. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises logging on by an agent.



83. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises selecting a contact type.

84. (Previously presented) The computer readable medium of claim 76, wherein interleaving responses to the contact comprises posing a question to the contact, the question having a finite number of answers.

85. (Original) The computer readable medium of claim 84, wherein a preselected recorded script is associated with each of said finite number of answers.

86. (Original) The computer readable medium of claim 85, wherein selectively interleaving further comprises presenting the preselected recorded script associated with said finite number of answers.

87. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises validating sales information.

88. (Original) The computer readable medium of claim 87, wherein validating sales information is done by one of a human agent and a computer dialing system.

89. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises updating a customer file.

90. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises maintaining a history of recorded scripts played.

91. (Original) The computer readable medium of claim 76, wherein executing an interaction protocol further comprises deciding on intervention.

92. (Original) The computer readable medium of claim 91, wherein deciding on intervention is done by the human agent.

93. (Original) The computer readable medium of claim 92, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

94. (Cancelled) The computer readable medium of claim 93, wherein deciding on intervention further comprises determining to provide a live-voice response.

95. (Cancelled) The computer readable medium of claim 93, wherein deciding on intervention further comprises determining to provide a recorded response.

96. (Currently amended) A method for customer contacting, the method comprising:  
providing a system for interaction with a contact, the interaction being selectable between  
human and computer delivery;  
initiating a call to a contact; and  
allowing a human agent to selectively interleaving responses to the contact from a  
human agent and one or more predetermined answers selected by the agent from a script tree.

97. (Previously presented) The method of claim 96, wherein interleaving responses to the  
contact comprises posing a question to the contact, the question having a finite number of  
answers.

98. (Previously presented) The method of claim 97, wherein a preselected recorded script  
is associated with each of said finite number of answers.

99. (Previously presented) The method of claim 98, wherein selectively interleaving  
further comprises presenting the preselected recorded script associated with the finite number of  
answers.

100. (Previously presented) The method of claim 96, wherein the predetermined answers  
are selected from computer-generated wave files, audio recordings, and synthesized voice.

101. (Previously presented) The method of claim 100, wherein at least one audio recording comprises a voice response recorded by a voice actor.

102. (Previously presented) The method of claim 96, further comprising validating sales information.

103. (Previously presented) The method of claim 96, further comprising updating a customer file.

104. (Previously presented) The method of claim 96, further comprising maintaining a history of recorded scripts played.

105. (Previously presented) The method of claim 96, wherein interleaving further comprises deciding on intervention.

106. (Previously presented) The method of claim 105, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

107. (Currently amended) A computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

providing an integrated system for hybridized interaction with a contact, the interaction being selectable between human and computer delivery;

initiating a call to a contact;

executing an interaction protocol to create an interaction with the contact; and

allowing a human agent to interleaving responses to the contact from a human agent and predetermined answers selected by the agent from a script tree.

108. (Previously presented) The computer readable medium of claim 107, wherein the predetermined answers further comprise recorded data effective to control a computer for generating a human-sounding voice waveform.

109. (Previously presented) The computer readable medium of claim 107, wherein the predetermined answers are selected from computer-generated wave files, audio recordings, and synthesized voice.

110. (Previously presented) The computer readable medium of claim 107, wherein at least one predetermined answer comprises a voice response recorded by a voice actor.

111. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises selecting a contact type.

112. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises validating sales information.

113. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises updating a customer file.

114. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises maintaining a history of recorded scripts played.

115. (Previously presented) The computer readable medium of claim 107, wherein executing an interaction protocol further comprises deciding on intervention.

116. (Previously presented) The computer readable medium of claim 115, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response.

REMARKS

Applicant respectfully submits that its amendment originally submitted on June 7, 2007 is now in compliance. In the event that the examiner finds any remaining impediment to the prompt allowance of any of these claims, which could be clarified in a telephone conference, the examiner is respectfully urged to initiate the same with the undersigned.

DATED this 3rd day of July, 2007.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'D. B. Fonda', with a long horizontal flourish extending to the right.

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## Exhibit F



**Acknowledgement Receipt**



The USPTO has received your submission at **16:15:07** Eastern Time on **03-JUL-2007**.

\$ **250** fee paid by e-Filer via **RAM** with Confirmation Number: 1196.

**eFiled Application Information**

EFS ID	1937879
Application Number	09920072
Confirmation Number	4418
Title	VOICE TRANSITION SCRIPT CALLER
First Named Inventor	Forest S. Baker
Customer Number or Correspondence Address	48720
Filed By	David Bartlett Fonda
Attorney Docket Number	2866.2.1
Filing Date	01-AUG-2001
Receipt Date	03-JUL-2007
Application Type	Utility

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
2866_2_1_FFF_Response_to_Non_Compliant_Amendment.pdf	22	Applicant Response to Pre-Exam Formalities Notice	5864025 bytes	 PASS
fee-info.pdf	2	Fee Worksheet (PTO-06)	8262 bytes	 PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

**New Applications Under 35 U.S.C. 111**

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

**National Stage of an International Application under 35 U.S.C. 371**

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

**New International Application Filed with the USPTO as a Receiving Office**

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

*If you need help:*

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- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

## Electronic Patent Application Fee Transmittal

<b>Application Number:</b>	09920072				
<b>Filing Date:</b>	01-Aug-2001				
<b>Title of Invention:</b>	VOICE TRANSITION SCRIPT CALLER				
<b>First Named Inventor/Applicant Name:</b>	Forest S. Baker				
<b>Filer:</b>	David Bartlett Fonda				
<b>Attorney Docket Number:</b>	2866.2.1				
Filed as Large Entity					
<b>Utility      Filing Fees</b>					
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)	
<b>Basic Filing:</b>					
<b>Pages:</b>					
<b>Claims:</b>					
Claims in excess of 20	1202	1	50	50	
Independent claims in excess of 3	1201	1	200	200	
<b>Miscellaneous-Filing:</b>					
<b>Petition:</b>					
<b>Patent-Appeals-and-Interference:</b>					
<b>Post-Allowance-and-Post-Issuance:</b>					

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				250

## Electronic Acknowledgement Receipt

EFS ID:	1937879
Application Number:	09920072
International Application Number:	
Confirmation Number:	4418
Title of Invention:	VOICE TRANSITION SCRIPT CALLER
First Named Inventor/Applicant Name:	Forest S. Baker
Customer Number:	48720
Filer:	David Bartlett Fonda
Filer Authorized By:	
Attorney Docket Number:	2866.2.1
Receipt Date:	03-JUL-2007
Filing Date:	01-AUG-2001
Time Stamp:	16:15:07
Application Type:	Utility

### Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$ 250
RAM confirmation Number	1196
Deposit Account	

### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part /.zip	Pages (if appl.)
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1	Applicant Response to Pre-Exam Formalities Notice	2866_2_1_FFF_Response_to_Non_Compliant_Amendment.pdf	5864025	no	22
<b>Warnings:</b>					
<b>Information:</b>					
2	Fee Worksheet (PTO-06)	fee-info.pdf	8262	no	2
<b>Warnings:</b>					
<b>Information:</b>					
Total Files Size (in bytes):			5872287		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><b><u>New Applications Under 35 U.S.C. 111</u></b>          If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><b><u>National Stage of an International Application under 35 U.S.C. 371</u></b>          If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><b><u>New International Application Filed with the USPTO as a Receiving Office</u></b>          If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

## Exhibit G



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,072	08/01/2001	Forest S. Baker IV	2866.2.1	4418

48720 7590 06/02/2008  
DAVID FONDA  
DAVID B. FONDA, ATTORNEY AT LAW, P.C.  
11129 SOUTH CREEK RIDGE CIRCLE  
SOUTH JORDAN, UT 84095

EXAMINER
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ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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06/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



**Notice of Abandonment**

Application No.

09/920,072

Examiner

MD S. ELAHEE

Applicant(s)

BAKER, FOREST S.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 March 2007.

(a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.

(b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.

The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☐ The reason(s) below:

/MD S ELAHEE/  
Examiner, Art Unit 2614

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office

PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20080527